

network using a network protocol, such as Internet Protocol (IP). In this manner, a direct point-to-point audio connection can be established from a first telephony process executing on a computer coupled to a packet-switched network with a second telephony process executing on a computer coupled to a packet-switched network. Accordingly, in the simplest embodiment of the invention, no traditional telephone terminating apparatus or circuit-switching apparatus are necessary to establish a call. It is this ability to transmit control and audio data in packets that allows for the calling party to transmit a more robust caller ID packet to identify itself. The called party then compares the caller ID packet to a list or database of caller ID packets to determine the appropriate response. The Examiner will note that claims 1-33 are written from the perspective of a called process or device. Since the Examiner has not cited specific claim language in setting forth his rejection, Applicants have not made any modifications to the claims at this time.

Claims 1, 12, 23 and 31 have been rejected under 35 USC § 103(a) as being anticipated by U.S. Patent 5,825,865, Oberlander et al., hereafter "Oberlander. The Examiner has broadly interpreted the message and header of Oberlander as the claimed call packet. Applicants traverse the rejection of claims 1, 12, 23 and 31 on the basis of 35 U.S.C. §103(a) on the grounds that the Examiner has failed to create a *prima facie* case of obviousness. In accordance with MPEP §2143.03, to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest *all* of the claim limitations. In past rejections the claims, the Examiner has admitted that Oberlander does not disclose including any of the first name, last name, street, apartment, city, state, country, postal code, phone, fax or company information data associated with the source in the incoming information profile. Instead the Examiner is relying a generic statement in Oberlander (Oberlander, column 5, lines 13-15) indicating the possibility of other information categories being included in the message descriptor, and, has further taken Official Notice that the concept and advantage of providing any of the first name, last name, street, apartment, city, state, country, postal code, phone, fax or company information data associated with the source in the user info field of the information profile, in addition to the source telephone number, are well known and expected in the art. Applicants again

respectfully traverse such an assertion as a grounds for rejection, and, in accordance with The Manual of Patent Examining Procedure section 2144.03, and again request that the Examiner produce a reference in support of such Official Notice, or, alternatively, if such Official Notice is based on the personal knowledge of the Examiner, provide Applicants with an affidavit averring to the specific facts supporting the personal knowledge on which the Examiner's assertion of Official Notice is based.

in addition, Applicants rebut the Examiner's assertion of Official Notice since the technical field of real-time audio communications over computer networks was still relatively new and evolving as of the priority date of the subject application and was even less sophisticated at the time of filing of the Oberlander application (10/04/91). Also, as previously discussed, traditional PSTN caller identification techniques are implemented on networks having different hardware architectures and protocols than the invention disclosed in the subject application. Specifically, the communication system disclosed in Oberlander is a circuit switched system with many of the disclosed recipient destinations residing at circuit switched terminating devices ( e.g. PSTN telephone numbers). The use of a circuit switched network inherently limits the quantity and nature of the data transmitted with the message descriptor 300. Conversely, the recipient destinations in the subject application reside at network protocol addresses over a packet -switched network, e.g. Internet protocol addresses, which may be dynamically assigned. The use of packet switched technology allows for greater flexibility in the amount of data transmitted to identify the incoming communication. In addition, with the packetized data transmission protocol of Applicants' invention, addresses of recipient destinations may be dynamically assigned and are updated in a directory database by the recipient processes themselves. Claims 2-11, 13-22 and 24-31 include all the limitations of their respective independent claims and are likewise believed patentable over Oberlander for at least the same reasons as stated above.

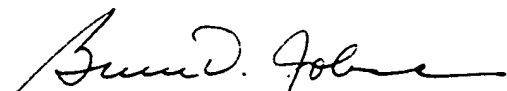
The Examiner has further, rejected claims 2-11, 13-22 and 24-31 under 35 USC §103(a) as being unpatentable over Oberlander in view of U.S. Patent 5,708,422, Blonder et al., hereafter "Blonder". The Examiner has previously admitted that Oberlander does not teach the generation of a notification signal, nor its association with an information profile. Blonder et al. discloses a credit card authorization system

which can be used to selectively alert card account owners based on certain parameters contained within an information profile stored in a validation database 106. As with Oberlander, the information profiles contained within the database 106 of Blonder contain information different from that disclosed in the subject application. Blonder et al. also does not disclose the transmission of an information profile identifying the source of an incoming communication. Applicant respectfully asserts that the combining the teachings of Blonder and Oberlander would not yield the packetized data transmission protocol of Applicants' invention in which an information profile identifying the *source* of the incoming communication is transmitted along with the incoming communication. It is the incoming information profile or a portion thereof, which, when matched against an entry in a recipient's personal directory enables selective responses to be initiated in the subject application. Neither Oberlander nor Blonder disclose a system of registering, maintaining or transmitting the information profile data as disclosed and now claimed in the subject application.

In light of the foregoing remarks, Applicants respectfully assert that the subject matter of claims 1-31 is neither disclosed nor suggested by either Oberlander or Blonder whether considered singularly or in combination with any reference of record or in light of any Official Notices, whether supported or not, taken by the Examiner.

In light of the foregoing amendments and remarks, this application is now believed in condition for allowance and a notice to the effect is solicited earnestly. If the Examiner has any further questions regarding this amendment, he is invited to call Applicant's attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances associated under 37 CFR §1.17, and 1.16 to Deposit Account No. 02-3038.

Respectfully submitted,



Date: 1/16/02

Bruce D. Jobse, Esq. Reg. No. 33,518

KUDIRKA & JOBSE, LLP

Customer Number 021127

Tel: (617) 367-4600 Fax: (617) 367-4656